

उद्योग संचालनालयाकडून पुरविण्यात येणा-या
विविध सुविधांच्या संदर्भातील कार्यपद्धती व
नियमावलीचे सुलभीकरण करण्याबाबत - खच्याखुच्या
औद्योगिक प्रयोजनाकरिता मुंबई कूळ वहिवाट व
शेतजमीन अधिनियम, १९४८ अनुसार जमीन खरेदी
करण्यास परवानगी देण्याबाबतची कार्यपद्धती.

महाराष्ट्र शासन
उद्योग, उर्जा व कामगार विभाग
शासन पत्र क्रमांक: मओ॒-२०१२/प्र.क्र.२५६/उद्योग-२
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई - ४०० ०३२.
तारीख: १२ ऑगस्ट, २०१३

वाचा -

१) शासन निर्णय क्रमांक: आयआयआय-पॉलिसी-२०१०/प्र.क्र.७६८/उद्योग-२, दिनांक २२/०२/२०१३.

शासन पत्र-

महोदय,

उद्योग संचालनालयाकडून पुरविण्यात येणा-या विविध सुविधांच्या संदर्भातील कार्यपद्धती व नियमावली तसेच ख-याखु-या औद्योगिक प्रयोजनाकरिता मुंबई कूळ वहिवाट व शेतजमीन अधिनियम, १९४८ अनुसार जमीन खरेदी करण्यास परवानगी देण्याबाबतची कार्यपद्धतीत सुलभीकरण करण्याच्या संदर्भात प्रधान सचिव (उद्योग) यांच्या अध्यक्षतेखाली दि. ४ मे, २०१३ रोजी एक बैठक आयोजित करण्यात आली होती. सदर बैठकीचे इतिवृत्त सोबत माहितीसाठी व आवश्यक कार्यवाहीसाठी पाठविण्यात येत आहे.

सदर शासन पत्र महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०१३०८१२१६४४३६२०१० असा आहे. हे पत्र डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

(व्य. ह. कुलकर्णी)
अवर सचिव.

प्रति,

१. विकास आयुक्त (उद्योग), उद्योग संचालनालय, नवीन प्रशासकीय भवन, मुंबई.
२. अतिरिक्त उद्योग संचालक, उद्योग संचालनालय, नवीन प्रशासकीय भवन, मुंबई.
३. वरिष्ठ उद्योग अधिकारी, (सामूहिक प्रोत्साहन योजना), उद्योग संचालनालय, नवीन प्रशासकीय भवन, मुंबई.

प्रत,

१. मा. मंत्री (उद्योग) यांचे खाजगी सचिव, मंत्रालय, मुंबई.
२. मा. राज्यमंत्री (उद्योग) यांचे खाजगी सचिव, मंत्रालय, मुंबई.
३. अपर मुख्य सचिव (महसूल व वन विभाग), यांचे वरिष्ठ स्वीय सहाय्यक, मंत्रालय, मुंबई.
४. प्रधान सचिव (उद्योग), यांचे वरिष्ठ स्वीय सहाय्यक, मंत्रालय, मुंबई.
५. उपसचिव (उद्योग-२), उद्योग, ऊर्जा व कामगार विभाग, मंत्रालय, मुंबई.
६. सर्व विभागीय उद्योग संचालनालय, / सर्व जिल्हा उद्योग केंद्र, उद्योग संचालनालय,
७. विकास आयुक्त (उद्योग), यांचे विशेष कार्य अधिकारी, उद्योग संचालनालय, नवीन
८. प्रशासकीय भवन, मुंबई.
९. मुख्य कार्यकारी अधिकारी, महाराष्ट्र औद्योगिक विकास महामंडळ, मंत्रालय, मुंबई.
१०. निमंत्रक उद्योग मित्र, मुंबई.
११. संचालक, सॉफ्टवेअर टैक्नॉलॉजी पार्क्स ऑफ इंडिया, पुणे / मुंबई.
१२. अध्यक्ष, फेडरेशन ऑफ इंडियन चॅंबर्स ऑफ कॉमर्स अॅनड इंडस्ट्रिज (फीकी-पश्चिम)
१३. कार्यकारी अध्यक्ष, जागतिक मराठी चॅंबर्स ऑफ कॉमर्स अॅनड इंडस्ट्रीज, इंडिया इंटरनॅशनल ट्रेड सेंटर, ३७, आर्कड वर्ड सेंटर, कफ परेड मुंबई- ४०० ००५.
१४. अध्यक्ष, ठाणे मॅन्युफॅक्चरर्स असोशिएशन, वागळे इस्टेट, सी /३१, वागळे इस्टेट रोड १६, वागळे इंडस्ट्रीयल, पेट्रोलपंप जवळ, ठाणे(प), ठाणे- ४०० ६०४.
१५. अध्यक्ष, ठाणे स्मॉल स्केल इंडस्ट्रीज असोशिएशन-(टीसा), टीसा हाऊस प्लॉट नं. पी-२६, रोड नं. १६/टी, वागळे इस्टेट, ठाणे - ४०० ६०४.
१६. अध्यक्ष, चॅंबर ऑफ स्मॉल इंडस्ट्री असोशिएशनस (COSIA) टीसा हाऊस प्लॉट नं. पी-२६, रोड नं. १६/टी, वागळे इस्टेट, ठाणे ४००६०४.
१७. अध्यक्ष, मरोळ इंडस्ट्रीज असोशिएशन, प्लॉट नं. पी-१५, स्ट्रीट नं. १४, एमआयडीसी, मरोळ, नीलकमल कंपनीसमोर, अंधरी (पूर्व), मुंबई-४०००९३.
१८. अध्यक्ष, तारापूर इंडस्ट्रीज मॅन्युफॅक्चरर्स असोशिएशन, (टिमा) प्लॉट नं. पी-१४, रिक्रीएशन सेंटर, एम.आय.डी.सी. बोईसर, तारापूर इंडस्ट्रीयल एरिया, जि-ठाणे ४०१५०६
१९. अध्यक्ष, डॉंबिवली इंडस्ट्रीअल असोशिएशन, प्लॉट नं. पी-७, एलआयसी ऑफीस जवळ, कर्मसिंहाल झोन, एमआयडीसी, फेज-१, डॉंबिवली-४२१ २०३.
२०. अध्यक्ष, मिरा-भाईदर स्मॉल स्केल इंडस्ट्रीज असोशिएशन] १०४, सरस्वती, मानसरोवर कॉम्प्लेक्स, काशीमीरा, भाईदर रोड, भाईदर (पूर्व), ठाणे - ४०११०५,

२१. अध्यक्ष, ऑडीशनल अंबरनाथ मैन्युफॉक्चरर्स असोशिएशन, पी-४२, आनंद नगर, ऑडीशनल अंबरनाथ इंडस्ट्रीअल एरिया ऑफ एमआयडीसी, अंबरनाथ (पूर्व), जि-ठाणे ४२१५०६.
२२. अध्यक्ष, बदलापूर इंडस्ट्रीज वेल्फेअर असोशिएशन, प्लॉट पी-६, एमआयडीसी, बदलापूर (पूर्व)].
२३. अध्यक्ष, कल्याण अंबरनाथ मैन्युफॉक्चरर्स असोशिएशन, प्लॉट नं. ७, कमर्शिअल झोन, फेज-१, एमआयडीसी, डोंबिवली-४२१२०३.
२४. अध्यक्ष, मुरबाड मैन्युफॉक्चरर्स असोशिएशन लि. मेसर्स क्वालिटी प्लॉस्टीक, प्लॉट नं. ए-२/१४, एमआयडीसी मुरबाड, जि-ठाणे ४२१४०९.
२५. अध्यक्ष, महाराष्ट्र चेंबर्स ऑफ कॉमर्स, इंडस्ट्रीज अॅन्ड ऑग्रीकल्चर (एमएसीसीआयए) ऑरिकॉन हाऊस, ६ वा मजला, १२ -के, दुभाष मार्ग, फोर्ट, मुंबई - ४०० ००९.
२६. अध्यक्ष, इंडियन मर्चट चेंबर, एल.एम.एन, आय.एम.सी. बिल्डिंग, आय.एम.सी.मार्ग, पोष्ट बॉक्स नं. ११२११, चर्चगेट, मुंबई- ४०० ०२०.
२७. अध्यक्ष, बॉम्बे स्मॉल स्केल इंडस्ट्रीज असोशिएशन, द्वारा मे. भारत ट्रेडर्स, बी-२०, गिरीराज इंडस्ट्रीयल इस्टेट,
२८. महाकाली गुंफा रोड, अंधेरी (पूर्व), मुंबई- ४०० ०९३.
२९. अध्यक्ष, फेडरेशन ऑफ इंडियन चेंबर्स ऑफ कॉमर्स अॅन्ड इंडस्ट्रीज (फिकी-पश्चिम विभग), ३३/बी, जी.एफ, कृष्णाई बिल्डिंग, आर.टी.ओ.ऑफीस जवळ, पोचखान वाला रोड, वरळी, मुंबई-४०० ०२५.
३०. कार्यकारी अध्यक्ष, जागतिक मराठी चेंबर्स ऑफ कॉमर्स अॅण्ड इंडस्ट्रीज, इंडिया अंटरनॅशनल ट्रेड सेंटर, ३७, आर्कड वर्ड सेंटर, कफ परेड मुंबई - ४०० ००५.
३१. अध्यक्ष, महाराष्ट्र इकानॉमिक डेवलपमेंट कॉन्सिल, वाय बी.चव्हाण सेंटर, नरिमन पाँअंट, मुंबई-२१.
३२. अध्यक्ष, ऑल इंडिया असोसिएशन ऑफ इंडस्ट्रीज, न्यु एक्सलसिअर बिल्डिंग, ६ वा मजला, ए.के.मार्ग, मुंबई-१.
३३. अध्यक्ष, मैन्युफक्चरर्स असोसिएशन फॉर इन्फॉरमेशन टेक्नॉलॉजी, द्वारा ओसीएमओ बिल्डिंग नं.८०, दुसरा मजला, डॉ.अॅनी बेझांट रोड, वरळी, मुंबई नं.१८
३४. अध्यक्ष, सीप्प, जेस्स ऑण्ड ज्वेलरी मैन्युफॉक्चरर्स असोसिएशन, जेस्स ऑण्ड ज्वेलरी कॉम्प्लेस नं.१, सीप्प, अंधेरी (पूर्व), मुंबई - ४०० ०९६.
३५. अध्यक्ष, ठाणे-बेलापूर, इंडस्ट्रिज असोसिएशन, प्लॉट नं.पी-१४, एम.आय.डी.सी.रबाळे, पोस्ट ऑफीस घनसोली, नवी मुंबई -४०० ७०९.
३६. अध्यक्ष, तळोजा मैन्युफॉक्चरर्स असोसिएशन, पी-२१, एमआयडीसी, तळोजा, ता-पनवेल, जि.रायगड,
३७. अध्यक्ष, पालघर तालुका फेडरेशन, मधुबन देवीशा रोड, पालघर, जि.ठाणे ४०१४०४,
३८. अध्यक्ष, कॉनफिडरेशन ऑफ इंडियन इंडस्ट्रिज, प्लॉट-१०५, काकड चेंबर्स, पोदार चेंबर्स जवळ, नाका, १३२, डॉ.अॅनिबेझांट रोड, मुंबई-४०० ०३०.
३९. अध्यक्ष, महाराष्ट्र आर्थिक विकास मंडळ, यशवंतराव चव्हाण सेंटर, नरीमन पॉइंट, मुंबई- ४०० ०२१०.
४०. निवडनस्ती (उद्योग-२), मंत्रालय, मुंबई.

Minutes of the meeting –

Minutes of the meeting convened by Principal Secretary (Industries) on 4th May, 2013 in his chamber on Simplification and rationalization of the procedures and Rules in respect of services rendered by Directorate of Industries

Meeting was held under chairmanship of Principal Secretary (Industries) on 4th May, 2013 on simplification & rationalization of procedures & rules in respect of various services rendered by the Directorate of Industries.

2. The following participants were present for the meeting:

Sr. No.	Name	Designation
1	Smt. Radhika Rastogi	Secretary (SMI) & Development Commissioner (Industries)
2	Shri. Sunil Mahajan	Additional Director of Industries
3	Shri. D.R. Bhamare	OSD to Principal Secretary (Industries)
4	Shri. S.J. Korabu	SIO (PSI), Directorate of Industries

3. At the outset the Principal Secretary (Industries) stated that the State's New Industrial Policy was quite attractive for entrepreneurs and various progressive initiatives envisaged in the Policy would require efficient working of the Directorate of Industries in order to ensure prompt Investor facilitation and the delivery mechanisms for the services rendered by the Industries Department to the entrepreneurs.

He further stated that business process re-engineering in order to simplify and rationalize the procedures relating to provision of services, clearances and licenses to industries is urgently required before taking up various services on the single window portal.

4. The procedure and prescribed documentation for granting stamp duty exemption to industrial units, sanction of IPS to the eligible units under PSI and eligibility certificate were discussed in detail with reference to the scrutiny points as per the provisions under the scheme. It was observed that 40 documents are required in general for granting eligibility certificate to a New Unit and 45 documents in respect of an expansion unit. Principal Secretary (Industries) stated that requirement of documents should be reduced to a minimum and at the most ten documents should preferably be prescribed for granting eligibility certificate.

5. The procedure and prescribed documents for granting permission to purchase agricultural land under BTAL Act, 1948 were discussed in detail with reference to the objective of scrutiny and requirement of documents.

The background of amendment to BTAL Act, 1948 and MLRC, 1966 as per the Maharashtra Industrial Policy 1993 was discussed in detail. Accordingly, Govt. of Maharashtra introduced section 63-1A in BTAL Act, 1948 and Section 44A in the MLRC 1966 vide following notifications with a view to promoting industrial growth in the State and to encourage and facilitate entrepreneurs to purchase agricultural land for bona fide industrial purpose with hassle free conversion of such land in to NA, as per section 44A of MLRC, for industrial purpose for setting up their industries.

6. It was discussed that the aforesaid amendments, the provisions under section 63-1A and 44A were required to be read together while processing the applications for achieving the objectives under the New Industrial Policy,

The Relevant provisions under section 63-1A of BTAL Act, are as under:-

“ Transfer to non- agriculturist for bona fide industrial use :

1) Notwithstanding anything contained in section 63, it shall be lawful for a person to sell land, without permission of the collector, to any person who is or is not an agriculturist and who intends to convert the same to a 3{or for a special township project, as the case may be,} where such land is located within.

- i. the industrial zone of a draft or final regional plan or draft interim or final development plan or draft or final town planning scheme, as the case may be, prepared under the Maharashtra Regional and Town Planning Act, 1966 or any other law for the time being in force, or the agricultural zone of any of such plans or schemes and the development control regulation or rules framed under such Act or any of such laws permit industrial use of land ; or
- ii. the area where no such plan or scheme as aforesaid exists 1{or}
- iii. the area taken over by a private developer for development of a special township project : “ ; }

Provided that, where the total extent of such land proposed to be purchased by a person exceeds ten hectares, he shall obtain prior permission of the Development Commissioner (Industries) or any other officer authorized by the State Government in reasonableness of the requirement of the land proposed to be purchased with reference to the nature of the proposed bona fide industrial use of such land:

Provided further that, such purchase of land shall be subject to the condition that it shall be put to industrial use within the specified total period of fifteen years from the date of

purchase, failing which the person from whom the land was purchased shall have the right to repurchase such land at the price for which it was originally sold by him:

Provided also that, the provision of this sub-section shall not apply to the areas notified as the Eco-sensitive Zone by the Government of India :”}

Provided also that, where the land being sold is owned by a person belonging the Scheduled Tribe, such sale of land shall be subject to the provisions of sections 36 abd 36A of the Maharashtra Land Revenue Code, 1966 and of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974.

(3) The person purchasing the land under sub-section (1) for conversion thereof for a 2{or for special township project, as the case may be,} industrial use give intimation of the date, on which the change of user of the land commenced, within thirty days from such date, to the Collector.

Explanation, - For the purposes of this section,-

the expression “ bona-fide industrial use” means the activity of manufacture, preservation of processing of goods, or any handicraft, or industrial business or enterprise, 3for the activity of tourism within the areas notified by the State Government as the tourist place or hill station}, and shall include construction of Industrial buildings used for the manufacturing process of purpose, or power projects and ancillary Industrial usage like research and development, godown canteen accommodation to the workers of the industry concerned, or establishment of an industrial estate including a co-operative industrial estate, service industry, cottage industry gramodyog units or gramodyog vasahats”

7. Principal Secretary (Industries) further pointed out that, there was elaborate discussion on office file No. SEZ/2006/1492/Ind-2, regarding guidelines for permission to be granted under BTAL Act, for purchase of agriculture land by DC (ind). The Extracts of the remarks offered by Principal Secretary(Revenue), Development Commissioner (Industries), Additional Chief Secretary (Finance) and finally confirmed by Chief Secretory are reproduced as below:-

(i) **Opinion of the Principal Secretary (Revenue)**

“As per the provision of Section 63-1A of the Bombay Tenancy and Agricultural Land Act, 1948, the agricultural land can be purchased by a person who is or is not an agriculturists and who intends to convert the same to a bonafide industrial use where such land is located within the industrial zone of the Development Plan or Town Planning Scheme or Agricultural Zone where industrial use is permitted of the area where no such plan or scheme exists.

The first proviso of Section 63-1A however provides that if the extent of land to be purchased is more than 10 Hectares prior permission of the Development Commissioner (Industries) is also required.

From perusal of the provision of Section 63-1A of the said Act, it is evident that following two conditions have to be satisfied before the purchase of land for bona-fide industrial use:-

- a) the proposed use of the land to be purchased should be clearly covered under the definition of “bona-fide industrial use” as defined in the B.T.A.L. Act and
- b) Such bona-fide industrial use should be allowed by the Development Plan/Town Planning Scheme in respect of the land proposed to be purchased.

After the above two conditions are satisfied, there should be no constraining granting permission by Development Commissioner (Industries) for purchased of land for bona-fide industrial use. It was also clarified by me in the meeting of yesterday.

It is further submitted that the conditional permission as envisaged in the draft minutes would be clearly against the provisions of Section 63-1A of the B.T.A.L., Act.”

Further with respect to the remarks of A.C.S. (Finance), P.S. (Revenue) offered his comments as below,

“The basic issue raised by the Development commissioner (Industries) is that it is not practical to ask the Project Promoter to give prior clearance of the Competent Authority of Town Planning Department, because the Project Promoter does not have the locus-standi since the land is not in his name. In this respect, it is submitted that the Project Promoter may obtain Power of Attorney of the concerned land owners on the basis of which he gets the locus-standi to approach the Town Planning Department with a request to change in zoning.

Alternatively, as the proposal of Development Commissioner to accord conditional permission is not in lines with the provisions of Section 63-1A, if it is so required Section 63-1A could be suitably amended to incorporate the measures suggested by the Development Commissioner (Industries). However, the Bombay Tenancy & Agricultural Land Act, 1948 is in the 9th Schedule of the Constitution and hence any amendment to this Act requires the consent of His Excellency the President of India.”

ii) **Remarks of the Development Commissioner (Industries) :-**

“In this context, the Committee observed that large size projects, especially relating to the mega projects, SEZ require large chunk of contiguous land for the development of projects, etc. In such projects, it would be difficult to get such large contiguous area in the Industry Zone, Agriculture Zone. In several proposals, it has been found that a part of the project land area are lying in Green Zone, No Development Zone, Afforestation Zone, CRZ Zone and other zone categories. In such cases, the project promoter may have to seek clearances from the competent Authority of the Town Planning Department for appropriate permissions.

In such cases, the opinion available is that the project promoter be asked to give the prior clearances of the Competent Authority of the Town Planning Department. But, the Committee

felt that it is not practical, because the project promoter may not have the locus-standi, since the land may not be in the name of the project promoter. Only after the project promoter purchases the land, then only he can formally submit applications to get clearances, including from the Town Planning Department. hence, the committee felt that it would be pragmatic to give the permission under 63(1)(a) of the BTAL Act, 1948 for the above project land lying in such zones, including that of Green Zone, No Development Zone, Afforestation Zone, CRZ Zone, etc. subject to the condition that the promoter will have to take the required clearances, including that of the Town Planning Department, after getting permission under BTAL Act and after the purchase of such land.

The other option for seeking prior clearances of the concerned Department, including that of the Town Planning Department, was also considered by the Committee and was felt that seeking such prior clearances from the concerned Department, would create undue delay and practically may not be possible.

After discussion at length, the committee unanimously decided that the existing procedure of giving permission under Section 63(1)(a) of BTAL Act to such project promoters for purchase of land subject to the conditions of seeking required clearances from the concerned Departments, including that of Town Planning Department, may be continued, and suggested to put a specific condition in this regard as mentioned below in the Order under Section 63(1)(a) of the BTAL ACT, 1948;

'The applicant will have to take the required clearances for the land pertaining to the Green Zone, No Development Zone, CRZ Area, Afforestation Area, or in such other zone area, as the case may be from the concerned Departments of the State Government and Central Government, including from the competent Authority of the Town Planning Department in MRTP Act, 1948, before the development of the project.'

(iii) Remarks of ACS (Finance) :-

"Till today the Development Commissioner Industries has been granting permissions to the Industries for purchase of land. Principal Secretary (Revenue) is not in agreement with this procedure. If the State was to follow up the procedure suggested by Principal Secretary (Revenue) it would be practically impossible for the Industry to come to Maharashtra. Industries, UD and FD are in agreement with the proposal of conditional approve suggestive by Development Commissioner CS may either approve the proposal or call all concerned for a discussion."

iv) मा. मुख्य सचिव यांनी दिलेले निर्णय :-

अपर मुख्य सचिव (वित्त) यांच्या मताशी मी सहमत आहे. ख-या - खु-या औद्योगिक प्रयोजनासाठी (Bonafide Industrial Use) शेतजमीन विकत घेणा-या उद्योजकांवर नगररचना विभाग व इतर संबंधित

विभागांच्या आवश्यक परवानग्या घेण्याचे बंधन अंतर्भूत करून उद्योग विभागाने परवानगी देण्यास कोणतीही अडचण दिसत नाही. ही प्रथा आतापर्यंत सुरु आहे ती पुढे चालू ठेवण्यात यावी.

“बी.टी.अ.ए.ल. कायद्यामध्ये जर उद्योजकांनी जमीन विकत घेतल्यानंतर पाच वर्षात उद्योग उभारण्यासाठी वापरली नाही तर ती मूळ शेतक-याला परत करण्याची तरतूद केलीच आहे. त्यामुळे शेतजमीन विकत घेताना आदेशात नमूद केलेल्या अटीनुसार परवानग्या प्राप्त करून उद्योग उभारला गेला नाही तर मूळ शेतक-यांचा अधिकार अबाधित राहणार आहे. त्याला ती मूळ किंमत परत मिळण्याची तरतूदही कायद्यात अंतर्भूत आहे. त्यामुळे आयुक्त उद्योग यांनी त्यांच्या (पृष्ठ ७/NS) टिप्पणीतील शेवटच्या परिच्छेद “अ” मध्ये नमूद केल्याप्रमाणे अट घालून परवानगी देण्याची कार्यवाही राज्यातील उद्योगवाढीच्या दृष्टीने योग्य आहे.”

8. In view of the above discussion, Principal Secretary (Industries), stated that, it will be appropriate to follow the procedure, as stated below, which is confirmed by the then ACS (Finance), Principal Secretary (Urban Development) and Chief Secretary :-

“Giving permission under Section 63(1)(a) of BTAL Act to such project promoters for purchase of land subject to the conditions of seeking required clearances from the concerned Departments, including that of Town Planning Department, may be continued, and suggested to put a specific condition in this regard as mentioned below in the Order to be issued Under Section 63(1)(a) of the BTAL ACT, 1948:-

‘The applicant will have to take the required clearances for the land pertaining to the Green Zone, No Development Zone, CRZ Area Forest Area, or in such other zone area, as the case may be from the concerned Departments of the State Government and Central Government, including from the competent Authority of the Town Planning Department in MRTP Act, 1948, before the development of the project.’

9. Development Commissioner (Industries) brought to the notice of the Principal Secretary (Industries) that, Initially, DC (I) had constituted a committee on 5th March 1994 to examine reasonableness of requirement of land for such applications wherein MD, SICOM and CEO, MIDC were members (outside Directorate of Industries).

Subsequently, the above committee was reconstituted by Industries Dept. vide letter dated 26.11.2007 (copy enclosed-**Annexure-4**) to incorporate Joint Secretary of UD, Tourism and Energy, Representatives of MMRDA and MAIDC, DC, SEEPZ as members.

Principal Secretary (Industries) stated that the powers were vested with Development Commissioner (Industries) under section 63-1A of BTAL Act, 1948 (amended on 28/04/1994) and accordingly, as per section 63-1A (1) ii of the Act Development Commissioner (Industries) is expected to consider the justification or **reasonableness of the requirement of land proposed**

to be purchased with reference to the nature of the bonafide industrial use of land while granting the permission.

10. The Principal Secretary (Industries) observed that the objective of introducing Section 63-1A in the Bombay Tenancy and Agricultural Land Act, 1948 (BT&AL Act) was to make it easier for industries to obtain permission for procuring agricultural land for bonafide industrial use. The amendment was introduced as a consequence of the Industrial Policy of 1993 so as to deregulate and rationalize the rules and procedures relating to setting up of new industries in the State. Even the then DC (Industries) in the year 2006 has observed that "the existing procedure of giving permission under Section 63-1A of the BT&AL Act.... subject to the condition of seeking required clearances of concerned departments including that of Town Planning Department, may be continued....". This stand has been subsequently endorsed by the then Addl. Chief Secy (Finance) and Chief Secy. This goes to show that even in 2006 the procedure adopted in the DC (Industries) office was to give permission subject to obtaining approval from other concerned departments. According to the Act, the DC (Industries) is expected to consider the justification of reasonableness of the requirement of land with reference to the nature of the proposed bonafide industrial use of such land.

11. The DC (Industries) is also supposed to ensure that the land is put to bonafide industrial use within the period specified in the Act. However, the Directorate of Industries has hardly any record of inspections carried out to check whether the land has been put to the bonafide industrial use for which such permission has been given and if not, then action as prescribed in the Act has been taken. Further, the Directorate of Industries while seeking NOCs / Comments from various departments like Forests, Environment, CRZ, Town Planning, etc. take several months and in some cases even years to give the permission but while giving the permission do not mention that NOC from the concerned department has already been obtained or will not be required again. Consequently, the Industry has to again approach the concerned Department/Authority for the requisite permission and again the same amount of time and effort is required. Even if the Directorate of Industries so desires, it cannot give the permission/NOC on behalf of other departments since the Directorate of Industries is not empowered to grant permission on behalf of other Departments under the BT & AL Act. Thus, the entire effort of the Directorate of Industries in seeking comments and NOCs from various departments is wasted and consumes a lot of time and effort without any consequential benefits to the Industry.

12. Accordingly, henceforth the Directorate of Industries may restrict its role to that envisaged under the Industrial Policy of 1993 and section 63-1A of BT&AL Act. While giving permission to the Industry for buying agricultural land, the Directorate of Industries may note in the permission that it has not gone into the aspect/permission to be dealt with by the concerned department and the promoter will have to seek such permission separately. As regards land belonging to Scheduled Tribe, the Directorate of Industries' role is only to note in the permission that sale of

such lands shall be subject to provisions of sections 36 and 36A of MLRC, 1966 and of the Maharashtra Restoration of Lands to Scheduled Tribe Act, 1974.

13. Principal Secretary (Industries) further stated that, while granting the permission under BTAL Act for bona fide industrial purpose, in case of controlled industry for e.g. industries requiring industrial license under the IDR Act, 1951 DC (Ind) shall ensure that, purchaser is having Industrial License under the IDR Act 1951 and in case of Mining Projects, the applicant should have LOI from the State/Central Government.

14. Principal Secretary (Industries) expressed that process re-engineering and review of the requirement of documents in respect of other services of the Directorate should be completed immediately to minimize the documents and to explore curtailing period for delivery of the services.

15. After detailed deliberations, following decisions were taken:

- a) List of various services provided by the Directorate of Industries along with the list of documents required for obtaining the same and the period for delivering such services should be worked out by the Directorate of Industries.
- b) The Committees for process re-engineering in respect of the services rendered by the Directorate of Industries shall be set up under the chairmanship of Pr. Secretary (Industries). It was noted that Accenture has been appointed as a consultant in this regard.
- c) The Committees should comprise of the concerned officers of the Directorate of Industries, select representatives of Industrial Consultants and Apex Bodies /Industries Associations of the relevant industries requiring the services.
- d) The Committees shall review the objectives of scrutiny of applications for granting various services critically and vis-a-vis evaluate requirement of documents with a view to eliminate redundant documents as also the period for delivering the services.
- e) The entire exercise shall be completed within two months.
- f) The Directorate of Industries shall modify its procedure for giving permission under section 63-1A of BT&AL Act in line with the discussion and decision in paras 5 to 14 above.

The meeting ended with vote of thanks to the Chairman.